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H. M. Paine

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REPORT

OF THE

Committee on Medical Societies,

Appointed at the Fourth Annual Meeting of the

ONEIDA COUNTY HOMEOPATHIC MEDICAL SOCIETY,

October 16, 1860.

It will be observed, by reference to the accompanying Abstract of the Laws relating to Medical Societies, that—

“HOMEOPATHIC PHYSICIANS” are authorized to “organize County Homeopathic Medical Societies.”

“FIVE” Physicians are necessary to form a Society.

When there are not *five legally qualified* physicians in one county, they are permitted to “*associate with the Physicians and Surgeons of an adjoining county*” in forming a Society.

The FIRST meeting at which an organization is effected must be held “*at the place where the County Courts are appointed to be held in their respective counties.*”

“It is the duty of the Secretary of each of the County Medical Societies, to lodge in the Office of the Clerk of their respective counties, a copy of all the proceedings had at their first meeting.”

The Officers are, a President, Vice President, Secretary, Treasurer, and from three to five Censors.

They are to be elected by ballot, at a regular Annual Meeting.

The STATE HOMEOPATHIC MEDICAL SOCIETY consists of delegates from County Homeopathic Medical Societies, and each County Society is entitled to as many Delegates as there are “Members of the Assembly from that county.”

In order to act as a Corporate Institution a “Seal” must be adopted.

The following is a suitable form of invitation to the first meeting :—

“ *To the Homeopathic Physicians of ——— County :*

You are hereby requested to meet at the office of ——— in ———, at ——— o'clock A. M., on ——— ———, for the purpose of organizing a County Homeopathic Medical Society, in conformity to the Act passed April 13, 1857.

Dated ———. Signed ——— ———.”

After appointing a temporary Chairman and Secretary, a resolution similar to the following should be adopted :—

“ Resolved, That the Physicians and Surgeons present proceed to organize a Homeopathic Medical Society for the county of ——— in the State of New York, in pursuance of an act entitled ‘an Act to Incorporate Homeopathic Medical Societies, passed April 13, 1857.’ ”

The Committee would urge the formation of County Homeopathic Medical Societies for many important reasons, among which the following may be specified :

To secure the permanent establishment of a State Homeopathic Medical Society.

To conform to the statutory enactments of the State, and secure the protection thus afforded. “ Licensed Physicians,” or “ Physicians and Surgeons authorized by law to practice their profession,” are those *only* who are “ members of County Medical Societies,” or who have received a “ Diploma” from one of the “ Incorporated Medical Colleges in this State,” and have “ deposited a copy of such license with the Clerk of the county where they reside.” All others are considered as *unlicensed* practitioners, and although they may by the law of 1844, collect debts for services rendered, are yet liable in cases of alleged mal-practice, in a *criminal* action for a misdemeanor, and upon conviction may be *imprisoned in a county jail*. The licensed practitioner, however, although liable in a *civil* action for damages in such a case, *cannot be imprisoned*.

To secure the legal right of teaching, which is conferred on those only who are “ duly authorized by law, to practice their profession.”

L. B. WELLS,	} Committee.
E. A. MUNGER,	
WM. H. WATSON,	
H. M. PAINE.	

ABSTRACT

Of that portion of the laws "Regulating the Practice of Physic and Surgery in this State," which relates to the Organization of Medical Societies, and the qualifications which constitute legally qualified Practitioners.

Whereas, well regulated Medical Societies have been found to contribute to the diffusion of true science, and particularly the knowledge of the healing art: Therefore,

SECTION 1. Be it enacted by the People of the State of New York, represented in Senate and Assembly: That it shall and may be lawful for the Physicians and Surgeons in the several counties of this State, now authorized by law to practice in their several professions, to meet together on the first Tuesday of July next, at the place where the last term of the Court of Common Pleas next previous to such meeting was held in their respective counties; and the several Physicians and Surgeons so convened as aforesaid, or any part of them, being not less than five in number, shall proceed to the choice of a President, Vice President, Secretary and Treasurer, who shall hold their offices for one year, and until others shall be chosen in their places; and whenever the said societies shall be so organized as aforesaid, they are hereby declared to be bodies corporate and politic, in fact and in name, by the names of the Medical Society of the county where such societies shall respectively be formed, and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever, and shall and may have a common seal, and may alter and renew the same at their pleasure: Provided always, that if the said Physicians shall not meet and organize themselves at such *time* and place as aforesaid, it shall be lawful for them to meet at such other *time* as a majority of them shall think proper, and their proceedings shall be as valid as if such meeting had been held at the time before specified.

§ 4. And be it further enacted, that the Medical Societies of the respective counties, shall and may agree upon and determine the times and places of their meeting; but may, as per act passed April 23d, 1823, at any anniversary meeting of such Society, change the day of holding their annual meeting to such other day in the year as may be more convenient: Provided that two-thirds of the members present concur in voting for such change;

notice of intention to move the same having been first given at some previous regular meeting of the Society. And it is hereby made the duty of the Secretary of each of the County Medical Societies, to lodge in the office of the Clerk of their respective counties a copy of all the proceedings had at their first meeting; and the said Clerks are hereby required to file the same in their respective offices, for which they shall each receive the sum of twelve and a half cents.

§ 9. And be it further enacted, that the Medical Societies established as aforesaid, are hereby respectively empowered to examine all students who shall and may present themselves for that purpose, and to give diplomas under the hand of the President and seal of such Society before whom such student shall be examined, which diploma shall be sufficient to empower the person so obtaining the same to practice physic or surgery, or both, as shall be set forth in the said diploma, in any part of this State.

§ 11. And be it further enacted, that it shall and may be lawful for the several Medical Societies so established as aforesaid, at their annual meeting, to appoint not less three nor more than five Censors, to continue in office for one year and until others are chosen, whose duty it shall be carefully and impartially to examine all students who shall present themselves for that purpose, and report their opinion, in writing, to the President of said Society.

§ 12. And be it further enacted, that it shall and may be lawful for the Medical Societies of the respective counties of this State, to purchase and hold any estate, real and personal, for the use of said respective Societies; Provided such estate, as well real as personal, which the county Societies are hereby respectively authorized to hold, shall not exceed the sum of one thousand dollars.

§ 13. And be it further enacted, that it shall be lawful for the respective Societies to make such by-laws and regulations relative to the affairs, concerns and property of said Societies, relative to the admission and expulsion of members, relative to such donations or contributions as they, or a majority of the members at their annual meetings, shall think fit and proper: Provided that such by-laws, rules and regulations of the respective county Societies shall not be contrary to, nor inconsistent with the constitution and laws of this State or of the United States.

§ 14. And be it further enacted, that the Treasurer of each Society established as aforesaid, shall receive and be accountable for all money that shall come into his hands, by virtue of any of the by-laws of such Societies, and also for all moneys that shall come into the hands of the President thereof for the admission of members, or licensing students; which moneys the said President is hereby required to pay over to the said Treasurer, who shall account

therefor to the Society at their annual meetings; and no moneys shall be drawn from the Treasurer unless such sums and for such purposes as shall be agreed upon by a majority of the Society at their annual meetings, and by a warrant for that purpose signed by the President.

§ 15. And be it further enacted, that it shall be the duty of the Secretary of each of the said Medical Societies to provide a book, in which he shall make an entry of all the resolutions and proceedings which may be had from time to time; and also the name of each and every member of said Society, and the time of his admission, and also the annual reports relative to the state of the treasury, and all such other things as a majority of the Society shall think proper; to which book any member of the Society may at any time have recourse; and the same, together with all books, papers, and records which may be in the hands of the Secretary and be the property of the Society, shall be delivered to his successor in office.

§ 16. And be it further enacted, that it shall be lawful for each of the said Medical Societies to cause to be raised and collected from each of the members of such Society, a sum not exceeding one dollar in any one year, for the purpose of procuring a medical library and apparatus, and for the encouragement of useful discoveries in chemistry, botany, and such other improvements as the majority of the Society shall think proper.

§ 17. And be it further enacted, that any student who may receive a diploma from the Medical Society of any county, shall pay to the President thereof, on receiving the same, five dollars.

§ 19. Every person licensed to practice physic or surgery, or both, shall deposit a copy of such license with the Clerk of the county where he resides, who shall file the same in his office; and until such license is so deposited, such person shall be liable to all the penalties provided by law, in the same manner as if he had no license.

§ 20. No person under the age of twenty-one years shall be entitled to practice physic or surgery in this State.

§ 40. All and every person, not being a licensed Physician, who shall practice or attempt to practice physic or surgery, or who shall prescribe for or administer medicines or specifics to or for the sick, shall be liable for damages, in cases of mal-practice, as if such person were duly licensed to practice physic or surgery.

§ 41. Any person, not being a licensed Physician, who shall practice or profess to practice physic or surgery, or shall prescribe medicines or specifics for the sick, and shall, in any court having cognizance thereof, be convicted of gross ignorance, mal-practice or immoral conduct, shall be deemed guilty of a misdemeanor, and be liable to a fine of not less than fifty dollars, nor not ex-

ceeding one thousand dollars, or imprisonment in the county jail not less than one month, nor exceeding twelve months, or both, in the discretion of the court.

§ 20. And be it further enacted, that if there should not be a sufficient number of Physicians and Surgeons in any of the counties of this State to form themselves into a Medical Society agreeably to this Act, it shall be lawful for such Physicians and Surgeons to associate with the Physicians and Surgeons of an adjoining county for the purposes hereby contemplated.

§ 3. And that said [State] Society shall be composed of as many members from each County Medical Society as there are members of the Assembly from such county, elected by ballot, at their Annual Meeting.

§ 24. And be it further enacted, that each of the Colleges of Medicine in this State may elect a Delegate to represent their Colleges respectively in the Medical Society of the State, who shall be entitled to all the privileges, and subject to the same regulations as the delegates from the county Medical Societies.

Vide Revised Statutes, vol. II. page 647-52, chapter 18, title 2.

An Act to Incorporate Homeopathic Medical Societies.

Vide Laws of New York, Session of 1857, vol. I. page 790, Chapter 384.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for Homeopathic Physicians, in each of the counties of this State, to meet together on the first Tuesday of May next, at the place where the County Courts are appointed to be held in their respective counties, and organize County Homeopathic Medical Societies, in the same manner as provided in an act entitled "An Act to incorporate Medical Societies for the purpose of regulating the practice of physic and surgery in this State," passed April 10th, 1813. And whenever a Society be organized as aforesaid, in either of the said counties, it shall be known by the name of the Homeopathic Medical Society of the county in which it shall be founded, and shall have all the powers, rights and privileges, and be subject to all the duties and responsibilities now by law given to or imposed upon a County Medical Society, organized under the act aforesaid.

§ 2. If the said Physicians shall not meet and organize themselves at such time and place as aforesaid, it shall be lawful for them to meet at such other time as a majority of them shall think proper, and their proceeding shall be as valid as if such meeting had been held at the time before specified.

§ 3. This shall be and is hereby declared to be a public act.

§ 4. This act shall take effect on the first day of May next.

To the Homeopathic Physicians in the State of New York.

Last spring it was thought desirable, by a number of Physicians, that immediate measures should be taken for the permanent organization of a State Homeopathic Medical Society; and it was then proposed to call a preliminary meeting of delegates from the County Societies already formed, with reference to that object. But after further consideration, and in view of the small number of County Societies that have been established, it was concluded to defer it until a *larger number of these associations shall have been organized*. It becomes, therefore, very important that Societies be formed as early as possible in every county where Homeopathy has the requisite number of practitioners.

It is believed that if the services of at least one Homeopathic Physician in each county, who is interested in promoting this object, can be secured, the desired result will be attained.

For the purpose of awakening an interest in this subject, and of securing the early formation of a County Homeopathic Medical Society, *will you* commence a correspondence with the Physicians in your own and one or two of the adjoining counties, urging the importance and necessity of its speedy accomplishment.

H. D. PAINE, M. D.,

Sec'y of the late N. Y. State Homeopathic Medical Society.

S. A. COOK, M. D.,

Sec'y of Rensselaer County Homeopathic Medical Society.

J. T. ALLEY, M. D.,

Sec'y of New York County Homeopathic Medical Society.

H. E. MORRIL, M. D.,

Sec'y of Kings County Homeopathic Medical Society.

L. M. KENYON, M. D.,

Sec'y of Erie County Homeopathic Medical Society.

C. W. BOYCE, M. D.,

Sec'y Cayuga County Homeopathic Medical Society.

H. M. PAINE, M. D.,

Sec'y Oneida County Homeopathic Medical Society.

October, 1860.

N.Y. Medical Institute.